

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MONICA ROSE COLLINS,

Defendant.

CR 16-61-GF-BMM

ORDER

Defendant Monica Rose Collins (Collins) appeared before United States Magistrate Judge John Johnston on December 7, 2016, and entered a plea of guilty to Theft from an Indian Tribal Government Receiving Federal Funding as charged in Count I of the Indictment. Judge Johnston entered Findings and Recommendations on December 7, 2016. (Doc. 21). Judge Johnston determined: (1) that Collins was fully competent and capable of entering an informed and voluntary plea; (2) that Collins was aware of the nature of the charges against her and the consequences of pleading guilty to Count I; (3) that Collins understood her constitutional rights, and the extent to which she was waving those rights by pleading guilty; (4) that Collins's plea of guilty was a knowing and voluntary plea supported by an independent basis in fact establishing each of the essential elements of the offense charged in Count I; (5) that Collins had adequate time to

review the Plea Agreement with counsel; and (6) that Collins understood each provision of the Plea Agreement. (Doc. 21 at 1-2). Judge Johnston recommended that this Court accept Collins's plea of guilty to Theft from an Indian Tribal Government Receiving Federal Funding as charged in Count I of the Indictment. (Doc. 21 at 2). Neither party filed objections to Judge Johnston's Findings and Recommendations.

Given that no objections were filed, the Court has reviewed Judge Johnston's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error in Judge Johnston's Findings and Recommendations, and adopts them in full.

Accordingly, IT IS ORDERED:

1. Collins's Motion to Change Plea (Doc. 15) is GRANTED.
2. The Court will defer acceptance of the Plea Agreement (Doc. 20) until sentencing, at which time the Court will have reviewed both the Plea Agreement and the Presentence Investigation Report.

DATED this 5th day of January, 2017.



Brian Morris
United States District Court Judge